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MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, September 18, 2006

Council Chambers, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Acting Chairperson), B. Gardner, K. Holt, P. Kochenburger, P. Plante, B. Ryan, G. Zimmer

Members absent: R. Favretti, R. Hall

Alternates present: B. Pociask

Alternates absent: C. Kusmer, V. Stearns

Staff present: G. Padick (Director of Planning) and C. Hirsch (Zoning Agent)

Acting Chairperson Joann Goodwin called the meeting to order at 7:04 p.m., appointing Pociask to act due to member absence.

Minutes:

9/5/06-Plante MOVED, Holt seconded, to approve the Minutes of 9/5/06. MOTION PASSED with all members in favor, except Gardner, Goodwin, Pociask, and Ryan who disqualified themselves.

9/12/06 (Field Trip)- Goodwin deferred the approval of the Field Trip minutes to the next IWA meeting.

Scheduled Business

Zoning Agent's Report

Item A was noted. Commission members had no comments.

B. Update on Hall site restoration, trailer removal activities

Hirsch notified the Commission that the new location for the trailers, currently stored on the Ed Hall property, has been granted approval by the Zoning Commission in Ashford. The owner of the Ashford property has indicated that he is willing to take all of the trailers as soon as possible. Grading on the Eric Hall property has not been completed and Hirsch reported that he is scheduling a meeting between the owner, the owner's attorney and the Town in order to achieve a timely site restoration.

C. Other

Hirsch updated the Commission on the progress of the Paideia site on Dog Lane, and also that the Live Music Special Permits are due to expire November 1, 2006. He has contacted all the applicable establishments and would like the Commission to set a date

for the Public Hearings. The Commission agreed by consensus to set October 16, 2006 as the date for a Public Hearing on the Special Permits for Live Music..

Other Old Business

Re-subdivision Application, Gifford Estates, to create 2 new lots on Maple and Spring Hill Roads, Spring Valley LLC, applicant, File #1250

Holt put a motion on the floor to approve with conditions the re-subdivision application of Spring Valley LLC. Before voting, Commission members discussed Condition #7 which required additional plantings along the east side of the driveway to protect neighboring homes from car headlights. Holt reasoned that the common part of a common driveway should be treated as a road with buffering. Plante's opinion was that it is unnecessary to require additional plantings as a buffer because the house, in this application, is far away and the number of times a car would drive down the driveway is very minimal. He also felt that continued maintenance of buffers would be a potential problem.. Therefore, Plante MOVED, seconded by Zimmer, to amend Holt's motion by deleting Condition #7.

THE AMENDMENT PASSED with Gardner, Goodwin, Plante and Zimmer in favor. Holt, Kochenburger and Ryan were opposed and Pociask abstained.

The amended motion was approved as follows, with original Condition #7 deleted and the remaining conditions renumbered: Holt MOVED, Gardner seconded, to approve with conditions the re-subdivision application (file #1250), of Spring Valley LLC., for Gifford Estates Resubdivision of lot 2 into 3 lots, on property owned by Francis and Denise Halle, located on Maple and Spring Hill Roads, in an RAR-90 zone, as submitted to the Commission and shown on plans dated June 27, 2006 as revised to August 23, 2006.

This approval is granted because the application, as hereby approved, is considered to be in compliance with the Mansfield Zoning Regulations. Approval is granted with the following conditions:

1. Final plans shall be signed and sealed by the responsible surveyor, engineer, and soil scientist.
2. This approval authorizes a common driveway to serve lots 2A and 2B. A common driveway easement that addresses maintenance and liability issues, including the maintenance of depicted driveway sightlines and the drainage improvements, shall be submitted to the Planning Office for approval by the PZC Chairman, with staff assistance, and the Town Attorney. The common driveways and associated drainage and stonewall work shall be completed or bonded in an amount and form acceptable to the PZC Chairman with staff assistance, before the filing of the subdivision plan, pursuant to Section 7.10.e. Notice of future owners' responsibilities to maintain common driveways, including associated sightlines and drainage improvements, shall be filed on the Land Records. The subdivider shall maintain all common driveway and associated drainage work until all affected areas are permanently stabilized.

3. Pursuant to subdivision regulations, particularly Sections 7.5 and 7.6, this action specifically approves the depicted Building Area and Development Area Envelopes, except those changes to the DAE specifically noted in Condition #6C. The depicted Building Area Envelopes shall serve as the setback lines for all future structures and site improvements, pursuant to Article VIII of the Zoning Regulations. This condition shall be specifically Noticed on the Land Records.

4. This approval accepts the applicant's proposed conservation easements to address the open space dedication requirements of Section 13 for the subject subdivision. The proposed conservation easements will help protect depicted wetland areas. A conservation easement document shall be approved by the Director of Planning and Town Attorney and filed on the Land Records in association with final plans. The easement shall utilize the Town's model format and shall require that the easement area be maintained in a natural state.

5. Prior to the issuance of a Zoning Permit for lot 2A or 2B, specimen trees identified on the final plan to be saved shall be specifically protected by a suitable barrier as determined by the Zoning Agent. This requirement shall be noted on the final plans and Noticed on the Land Records.

6. The final plans shall incorporate the following revisions:

A. Approved driveway sightline distances, as depicted on a supplemental map by the applicant, shall be incorporated onto sheet 2.

B. Labels entitled "to be saved" shall be added for each identified specimen tree to be saved on lots 2A and 2B.

C. To minimize the removal of trees along the easterly property line of lot 2A, the segment of depicted DAE that abuts the land of Barnett shall be shifted a minimum of 25 feet from the property line except for the area needed to construct the depicted driveway pull-off. This change will require a shifting of the depicted stockpile area.

7. The Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety (90) or one hundred and eighty (180) day filing extension has been granted):

A. All final maps, including submittal in digital format, a common driveway, a conservation easement, and a Notice on the Land Records to address conditions 2 and 3 and 5 (with any associated mortgage releases) shall be submitted to the Planning Office no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant;

B. All monumentation (including delineation of the conservation easement with iron pins and Town's official markers every 50-100 feet on perimeter trees or on cedar posts), with Surveyor's Certificate, shall be completed or bonded pursuant to the Commission's approval action and Section 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant. MOTION PASSED UNANIMOUSLY.

Bonding/Subdivision Issues:

A. Mulwood East, File #1225

Item tabled.

B. Maintenance Bond, Maplewoods, Section 2, Max Felix Drive, File #974-3

Item tabled.

C. Fencing/Landscaping Bone Mill Subdivision, File #1219

Item tabled.

D. Wild Rose Estates, File #1113-3

After a brief discussion, Holt MOVED, Plante seconded, that the Planning and Zoning Commission authorize tree cutting and stump removal within the approved road right of way for the extension of Jonathan Lane to Mansfield City Road. This authorization is conditioned upon the installation and maintenance of all approved phase 2B erosion and sedimentation controls and the execution of a revised phase 2A bond agreement to incorporate this work. The PZC Chairman, with staff assistance, is authorized to execute the new bond agreement. All other conditions of approval and bonding requirements shall remain in effect. MOTION PASSED UNANIMOUSLY.

E. Pine Grove Estates, File #1187-2

Item tabled.

F. McFarland Acres, File #877-3

Item tabled.

G. Kidder Brook, File #1151-2

Item tabled.

3. Presentation by the Green Valley Institute on Open Space Subdivisions

Item tabled.

4. UConn Water/Sewer System Issues

Padick updated the Commission that Plante (who initiated the idea that the PZC meet with UConn officials on this issue) would be unable to attend at the scheduled date. The Commission agreed by consensus that staff should reschedule for either the October 16th or November 20th meeting. Item tabled.

5. Potential Revisions to PZC/IWA Fee schedule

Item tabled.

New Business

8-24 referral: Proposed Referendum Resolution

Padick briefed the Commission on the three referendum items proposed by the Town Council. Zimmer would like to see a cost/benefit analysis of the fossil-fuel heating system in item #2 and is interested in the council considering other forms of heating. Plante doesn't feel that items 1 & 2 fit in with the Plan of Conservation and

Development. Padick suggested that the resolution be tabled in order to receive additional information. The item was tabled by the consensus of the Commission.

Bistro Restaurant, East Brook Mall- 95 Storrs Rd , File #432-2

After a brief discussion, Ryan MOVED, Holt seconded, that the PZC Chairman and Zoning Agent be authorized to approve the 9/11/06 modification request of M. Cheng for a patio and additional outdoor seating for the Asian Bistro Restaurant of the East Brook Mall. This authorization is subject to the following condition:

1. Final plans shall incorporate provisions to retain existing flag poles and to include installation details for the proposed new plantings between the deck and existing sidewalk. The new plantings shall be installed in association with the new patio.

MOTION PASSED UNANIMOUSLY.

Public Hearing

A. Special Permit application of the Town of Mansfield for proposed River Park improvements, Plains Road, File #1249

Acting Chairperson Goodwin opened the continued Public Hearing at 7:45 p.m. Members and alternates present were: Goodwin, Gardner, Holt, Kochenburger, Plante, Ryan, Zimmer, and Alternate Pociask. At this time Padick noted a 9/14/06 memo from Gregory Padick, Director of Planning. Curt Vincente, Director of Parks and Recreation, was present as the applicant.

Padick's memo clarified the standing issue of the width of the boat/canoe launch area, and stated that the width will be 12 feet with some type of bollard or locked gate in the middle. Local fire departments and emergency personnel will have access to this area for emergencies on the river. No feedback has been received from the DEP at this point.

Betty Robinson, 5C Sycamore Terrace, was present to express her support for the plans and the need for an accessible canoe launch to the Willimantic River.

At this time there were no further questions or comments from the applicant, public or Commissioners. Holt MOVED, Plante seconded, to close the Public Hearing. MOTION PASSED with all in favor except Pociask who disqualified himself. Gardner will work on a draft motion for the next meeting.

New Business Continued

Proposed site modification storage shed for Mansfield Community Center File #1173
Curt Vincente, Director of Parks and Recreation, was present as the applicant for the site modification, and to answer any questions. At this time there were no questions or comments. Ryan MOVED, Holt seconded, that the PZC Chairman and Zoning Agent be authorized to approve the 9/11/06 modification request for a storage shed on the Mansfield Community Center property, and related site work, as described on submitted

plans and discussed at the PZC's 9/18/06 meeting. This authorization is subject to the following conditions:

1. Prior to installing the proposed new trees, precise locations and size and type information shall be approved by the PZC Chairman with staff assistance. The new trees shall be planted as soon as possible after the shed has been installed. MOTION PASSED UNANIMOUSLY.

Draft DEP Total Maximum Daily Load Analysis for Eagleville Brook.

Padick updated the Commission on the study, and the implications for the Town of Mansfield. Holt suggested we apprise the Wetlands Agent on the situation. It was agreed by consensus that the PZC Chairman be authorized to co-endorse, with the Mayor, a letter from the Town regarding the DEP Total Maximum Daily Load Analysis for Eagleville Brook.

Reports of Officers and Committees

There was no report from the PZC Chairman or Regional Planning Commission Representatives and note was made that the next meeting for the Regulatory Review Committee is scheduled for Tuesday, September 26, 2006 at 2:00 p.m.

· Padick mentioned that the current subdivision regulations do not have provisions on buffering for common driveways. He suggested that the Regulatory Review Committee add it to the agenda to look into it as a possible change to the regulations.

Communications and Bills

The agenda items were noted.

Public Hearings:

B. Special Permit Application, Proposed E.O. Smith High School classrooms at 85 Depot Road, Regional School District #19 applicant, File #1251

Acting Chairperson Goodwin opened the Public Hearing at 8:00 p.m. Members and alternates present were: Goodwin, Gardner, Holt, Kochenburger, Plante, Zimmer and Alternate Pociask, with Ryan disqualifying herself. Padick read the Public Notice and referenced a 9/6/06 memo from Jennifer Kaufman, Parks Coordinator; a 9/12/06 memo from J. Jackman, Fire Marshal; a 9/14/06 memo from G. Meitzler, Assistant Town Engineer; a 9/14/06 memo from the Design Review Panel; a 9/14/06 memo from G. Padick, Director of Planning, and a 9/16/06 memo from J. DeWolf, Member of the Mansfield Advisory Committee on Person with Disabilities.

Richard Lawrence from The Lawrence Associates, representing the applicant, introduced Denise Lord from Anchor Engineering, Bill Vliet from Vliet & O'Neill, Bruce Silva, Superintendent of Regional School District #19, Fran Archambault, Chairman of the Region 19 School District Board of Education, and Bill Ryan, Chairman of the Region 19 Building Committee. At this time Lawrence submitted the neighborhood notification cards and introduced the application to the Commission as a ~3,000 square foot addition to an existing school building located on the south side of Depot Road. The proposal will

double the size of the existing building by putting on a two-story addition to the rear, while renovating the existing structure. It is currently before the Zoning Board of Appeals pending approval of a variance to expand parking into the side yard. UConn has granted permission to extend water service down the road from the Discovery Depot. An on-site septic system will be built. The east side of the property borders the Lynch Landing Trail, and the west and north side of the property borders residential homes. In the rear of the lot (south side) there will be a basketball court and parking. On the west side will be a pad for the dumpster. All of the utilities (electrical, cable, phone, and water) will come in underground and enter on the west side of the building. The front of the building (north) will have a sidewalk installed, also a flagpole and a sign. The east side of the building will have a new entrance and a handicap ramp in addition to handicap parking spaces. Lawrence explained that the exterior lighting will be “cut-off” fixtures that concentrate the light and shouldn’t cast light into neighbors’ yards. There will be three freestanding lights, two in the parking lot and one in front. There will be smaller lights over the doors. .

The new building will be of the same style and material as the existing building with the use of the same color brick, arches, basket-weave windows, and brick patterns. The windows will be replaced with vinyl, the roof will be replaced on the existing building to match the new gray roof, the railings will be black, and windows, trim and gutters will all be white. The intention is to make this a “Green” building, being as energy efficient as economically possible for this building so the windows will be “Low E”, electronic ballasts will be installed, and occupancy sensors for lighting will be in the rooms.

Bill Vliet, Vliet & O’Neill, who conducted a traffic study, indicated there is no traffic generated during the p.m. peak because the school will be out and teachers gone. During the a.m. peak, the school will generate a very small amount of traffic. The students will be bussed in using vans or minibuses, and at a maximum, there will be only 13 cars a day, with most of those being teachers and support staff and only an occasional visitor. Vliet considers this a low-impact, small-traffic generator.

Bruce Silva, Superintendent of Regional School District #19, discussed various student issues. He hoped to start school in the fall of 2007 with approximately 8-16 students, with a maximum in the future of 50 students. The rules and hours will be the same as at E. O. Smith. The students will not be allowed to drive themselves to school. Silva explained that the students attending will be those students who are not thriving in the traditional high school environment, but they are not “troubled” kids. Any student who wishes to attend “The Depot Campus” must apply and be accepted. He feels that the neighborhood will have no negative impacts from these students or from this project.

Commissioner Zimmer questioned how many staff members will be at the proposed school, and how they came to the number of 13 parking spaces. Silva responded that the 13 spaces would include 2 handicap spaces. There would be one teacher for every 8 students. They anticipate one director, one clinician, one custodian, and 3 teacher’s aides. Silva agreed to submit a list of how many staff members would be on site at any one

time, in order for the Commission to better calculate the number of parking spaces needed.

Commissioner Gardner highlighted one of the items mentioned in the memo from John DeWolf, MACPD, about the need for a roof over the handicap ramp. Lawrence indicated that the building code does not require a covered roof, and due to the length of the ramp it would be difficult and very costly to construct one. Gardner also questioned why the handicap spaces weren't next to the building. Lawrence indicated that the parking layout would not allow that, as the site is constricted by its size and the shift to an RAR-90 zone.

Commissioner Pociask questioned Silva if there would be open house evenings or other school functions at this facility, and how would the extra parking be accommodated. Silva confirmed that they would have open houses, and on such occasions they would allow parking in the basketball court, and perhaps shuttle people from the Discovery Depot parking lot. Parking on Depot Road, which is very narrow, would not be permitted.

Commissioner Holt asked about concerns listed in the Assistant Town Engineer's memo, including moving the Lynch Landing Trail-head toward Depot Road which may result in hikers parking on the road. Silva responded that when school is not in session, the parking lot can be used for visitors on the trail.

Silva was questioned about the proposed septic system and if it will accommodate kitchen use at the facility. He indicated that all meals will be brought in from E. O. Smith, and the kitchen will be used primarily for school activities.

Commissioner Pociask questioned if an outside condenser unit will be used and if so, will the noise bother neighbors. Lawrence responded that at this time air conditioning is not being installed, but vents are being put in, and later accommodations may occur. If this happens, the air conditioning will only be running during the day when school is in session and will be off at all other times. He anticipated noise would be minimal.

Commissioner Plante asked Vliet to provide an I.T.E. report for traffic generation.

At this time Goodwin opened the floor to public comment.

Timothy Quinn of 101 Depot Road: is pleased with the Mansfield school system and not against education, but he is against this type of school for teenage students at this location. His concern is for the 26 acres of woods his family owns from the river to the church, and for the Lynch Landing Trail that now has become part of a major trail system. His experience in education has shown him that it will be difficult to stop students from smoking in the woods and that an unintentional fire is a very real danger.

Randolf Steinen of 112 Depot Road/corner of Route 44: is proud of the school system in Mansfield and thinks the proposed program is an excellent project, but it should be at another location and not on this small site. "Use" factor: the building is being fully used

now and there is not enough room to accommodate the proposal. “Fear” factor: teen smokers and underachievers should not be placed in a residential area, thus making it easy for students to leave the site and roam the neighborhood, potentially causing fires from cigarettes. “Traffic” factor: the normal traffic on Depot Road is very heavy and too fast. It is not safe for kids to walk on the road, opening the potential for kids to walk through neighbors’ yards or on the railroad tracks. In conclusion Steinen felt approval of this proposal would be negative for the health and welfare of the residents in the Depot and possibly the students as well.

Silva reiterated that the students aren’t juvenile delinquents, but just kids who need more attention scholastically. He also indicated that due to the small class size, if a student doesn’t return from the restroom it will be noticed quickly. There will be no outside recess or unsupervised periods for students outdoors, but he agreed that he can’t guarantee that the students won’t just walk off.

Karen Thurber of 29 Middle Turnpike: sees a need for an educational facility such as this, but does not feel this is an appropriate location, as the site’s use will be enlarged past its capacity. From 7:00 am to 8:30 am she can’t get out of her driveway because of heavy traffic. She also questioned if the parking lot lights can be turned off at night as to avoid glare into neighbors’ homes. Silva indicated that her suggestion is a possibility, and will check with the State Police and Fire Marshal to see if there is any reason why they can’t turn lights off at night.

Joan Ferrero of 91 Depot Road: is impressed with the school system, which is what convinces her that this proposal will be too successful. She is concerned that the capacity will be outgrown quickly. She feels that they should start now with a larger facility at another location to avoid building twice. She asked about the legality of changing the name of the school from Reynolds. She would rather see a fence installed on west side of the school lot that abuts her home, rather than a landscaping buffer.

David Ferrero of 91 Depot Road: stated that his property line is 40’ feet from the building and would like a fence installed as a barrier.

Commissioner Pociask questioned the cost of the construction and renovation. Lawrence responded that the cost, including removal of all asbestos and lead, is approximately 2 million dollars. He also indicated that it is much more expensive to build another building of this size from scratch.

Padick asked Lawrence if revised plans could be ready within a week in order to give staff time to review for the next scheduled meeting. Lawrence indicated that is possible and also noted that the name of Reynolds School will remain.

Fran Archambault, Chairman of the Region #19 Board of Education, noted the concerns of the citizens, but is looking at this much differently than others, in that he sees this as kids who want to be there because they are not thriving in the traditional high school environment.

Commissioner Holt questioned if other sites have been looked at. Silva responded that other sites have been studied and this site was locally and financially the best.

With no further comments from the public, applicant or Commissioners, the Chairperson declared the Public Hearing to be continued to Tuesday, October 3, 2006.

Adjournment

Goodwin declared the meeting adjourned at 9:55 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary